

DALE FARM HOUSING ASSOCIATION

Secretary
Grattan Puxon
1 John Harper Street
Colchester CO1 1RP
Dale.farm@btinternet.com

Lorraine Browne
Solicitor, Basildon District Council
Basildon Centre
St Martin's Square
Basildon SS14 1DL

4 October 2010

COMPLIANCE WITH LAND REGISTRATION ACT

Dear Lorraine,

We are currently pursuing the matter of the illegal issuing of certain Enforcement Notices against residents at Dale Farm. According to documents in our possession, with which you will already be familiar, a number of your Enforcement Notices relating to the scrap-yard licensed by the Council have long since been a nullity.

Despite requests, you have failed to acknowledge for example that in the case of John Sheridan (see enclosed map) the demand upon the owner to remove concrete and sow to grass seed is illegal. As authorized voluntary advocate for Mr Sheridan I am again repeating a request that you withdraw the relevant Notice and acknowledge that he is not required to carry out such an unreasonable and burdensome task.

Following the example of the case of Denton, in Suffolk, where some 13 Enforcement Notices were issued illegally against Travellers, we note that these were registered as local land charges. Compensation of £350,000 has been awarded.

As the Lands Tribunal is the mortgage regulator for the Council, Mr Sheridan is advised that he may likewise seek compensation should you proceed with enforcement where the Notice in respect of his property has been nullified.

Please note here that in addition to the above concerns a complete Inventory of the properties under threat by the Council, including a photographic record, is being drawn up for the purposes of a) monitoring the actions of your agents, Constant & Co., with particular reference to needless destruction of removal items, b) supporting consequent claims for damages.

In this respect, we draw attention to the initial refusal by the Council to pay compensation to Mrs Eileen Coyle for the trashing of her utility unit at Hovefields on 29 June last. This was followed on 8 September by the needless destruction of a Portakabin-type unit at Five Acres Farm belonging to Mrs Kathleen Rooney.

Looking into this matter further, you will note that s106 of the Town and Country Planning Act is one of the relevant sections relating to the local land charge. Moreover, mortgages entered into by your Council with property developers are required to be Registered at the Land Registry, as laid down by s55 of the Land Registration Act 2002.

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As this is a matter of considerable public concern, please confirm or deny that there have been one or more cases of failure by Basildon District Council to register mortgages entered into with developers at the Land Registry. Can you confirm that such registration has taken place in the case of the developers involved with the Sports Village project?

This is a matter we, and other parties, intend to pursue under the Freedom of Information Act, if necessary, and with the Land Registry should you compel us to do so. It is an issue which has serious implications for mortgage regulation and the role of Council solicitors in this regulation.

Yours sincerely,

Grattan Puxon
Secretary
Dale Farm Housing Association

[Flag this message](#)

Re: e-mail to Neil Costen for your information

Sunday, 3 October, 2010 20:29

From:

"HC" <ycx26@dial.pipex.com> [View contact details](#)

To:

"Ann Dean" <Ann.S.Dean@BTOpenWorld.com>

Cc:

dale.farm@btinternet.com, caroline.lucas.mp@parliament.uk

Hi Ann

The problem is that once a Council issue an enforcement notice .. and if it is not appealed.. they can do whatever they like under s178... TCPA.

They have no need to take account of any human rights considerations.. they don't even have to give notice of use of the power.

THE ONLY THING THAT THEY HAVE TO DEMONSTRATE IS THAT THEIR EXPENSES WERE REASONABLE..

I am currently discussing with the Adjudicator to Land registry how they managed to change (re-write) the Land registration act 2002 to support the acts of a Council.. exercising s178 powers.. (despite the adjudicator not being parliament) in an attempt to avoid the reasonable issue...

There is no legal aid available for the reasonable issue.. this includes issuing enforcement notices that are a nullity.. prosecuting same.. etc.. etc..

In the case of Denton we have no less than 13 enforcement notices that were issued illegally and that can be shown to be defective.. The issues have been to High, Crown , County and Magistrates Courts.. There have been public inquiries.. There were two murders as a result of the harassment of the travellers..

I have letters from Sec of State saying they can not look at enforcement notices once they are registered as local land charges.. TSOL say the same.. and there is acknowledgement that there is a problem with the law.. ie. challenging a head of planning issuing notices under delegated authority if the notices are not challenged... I have taken the Local Government Ombudsman through the pre-action protocol.. as we even have acknowledgement by the Council that they have lied to high court, sec of state.. ombudsman etc.. (through issue of false documents).. and have failed to disclose material information. The material information in all cases would have led to the Council being identified as being racist.. The high Court refuses to look as there is not a challengeable decision.

The only way through the maze appears to be an appeal to the Lands Tribunal and/or Financial services Ombudsman.. as the LT is the mortgage regulator for a Council.. and by default the inhabitants of a district..

looking at the proportionality of a Council's acts.. won't get you anywhere.. if they have an enforcement notice registered as a local land charge.. and the travellers I have been looking after were the first to be prosecuted under the EU habitats directive.. they were sent enforcement notices for two years before anyone read them the notices.. and had just been throwing them away.. The Council's (Waveney) acts were identified as being reasonable.. but totally disproportionate when the issues reached High Court..

The whole gypsy problem appears to be tied up with the UK reliance on the Finance markets (mortgages).. and as such it would probably be well worth your while and Lomax's to look at the Lands Tribunal.. and look for compensation.. it would give a challengeable decision..

unfortunately there is no legal aid available to go to Tribunal.. the good thing about it is that you can look at solicitor negligence [i.e. Council].. as they lose the protection of all being lawyers..

As far as I can work out.. and this is after long conversations with the Jay family.. they are intending to give up travelling.. they lasted 1/2 a day on all the sites they stopped at this year before being threatened with s161 notices.. and there are health issues... this all follows on from Denton..

There is a major issue of UK not being compliant with the EC treaties.. However.. it would also destroy the political parties.. due to s106 TCPA money... this is also a Local Land Charge.. There are £90 billion of mortgages entered into by Council's with property developers.. none of which have been registered at land registry as required by s55 Land registration Act 2002... They can't get the money in under law until the mortgages are registered.

as a consequence leaders of Council's are able and have come to arrangements with developers to not enforce the mortgages.. (£5,000 for a party political donation etc..).. The law can only be brought into line if the Council's mortgages all £90 billion are put on their books.. it has all sorts of implications for mortgage regulation.. (and hence threatens the role and living of solicitors)..

Have copied this direct to Lucas.. as she is aware that we changed UK law previously.. (benzene and Ex-press plastics at Loddon).. and managed as a consequence to get UK pollution law changed.. It was very difficult..

wbw

Stuart Currathers

Appeal Site

**Subject of the
2003 decision**

Unlawful Sites

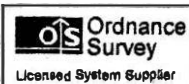
Subject of the 2007 decision



Pond

Path (um)

p SIS



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Operator:	
Department:	
Drawing No:	
Date: 03:09:07	Scale: 1:1250